UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,955	07/25/2006	Yoshinobu Watanabe	10873.1897USWO	3465
53148 7590 02/10/2009 HAMRE, SCHUMANN, MUELLER & LARSON P.C. P.O. BOX 2902-0902			EXAMINER	
			DASGUPTA, SOUMYA	
MINNEAPOLI	MINNEAPOLIS, MN 55402		ART UNIT	PAPER NUMBER
			2176	
			MAIL DATE	DELIVERY MODE
			02/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
Office Action Commence	10/586,955	WATANABE ET AI	L.		
Office Action Summary	Examiner	Art Unit			
	SOUMYA DASGUPTA	2176			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence add	dress		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	<b>J.</b> lely filed  the mailing date of this co  (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 24 De	ecember 2008.				
3) Since this application is in condition for allowar	, — , — , — , — , — , — , — , — , — , —				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) ☐ Claim(s) 1-9 is/are pending in the application. 4a) Of the above claim(s) is/are withdrav 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-9 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or					
Application Papers					
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examiner	epted or b) objected to by the Edrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CF			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been receive I (PCT Rule 17.2(a)).	on No ed in this National :	Stage		
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ite			

Application/Control Number: 10/586,955 Page 2

Art Unit: 2176

### Applicant's Response

In the applicant's response for application 10/586,955 dated 12/24//2008, the applicant did not amend any claims; and cancelled Claims 2-4 and 8-9; and argued against all the rejections and objections.

Claims 1-9, as originally filed, are currently pending and have been considered below.

Claims 1 and 6 are independent claims.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano et al (US 2004/0254465; Patent Issue Date: Dec 16, 2004; Patent Filing Date: Nov 22, 2001; hereafter Sano) in view of Buxton et al (US 6,094,197; Patent Issue Date: Jul 25, 2000; Patent Filing Date: Dec May 17, 1995; hereafter Buxton).

Sano discloses an ultrasonic diagnosis system comprising: an ultrasonic

# Claim 1:

detecting portion that transmits an ultrasonic wave to a subject and receives a reflected wave therefrom; (Abstract → Sano discloses an ultrasonic diagnostic equipment that which projects ultrasonic signals into a patient, and which generates an ultrasonic image on the basis of reflection echoes within the patient. It is well known in the art that ultrasound machines have mechanisms used for "detecting portion that transmits an ultrasonic wave to a subject and receives a reflected wave therefrom.") an image display portion that has a diagnostic image display region for displaying a diagnostic image based on an image signal from the ultrasonic detecting portion and displays a setting button and a cursor of a pointing device for making a selection of a setting condition; (Abstract → Sano discloses "an image display portion that has a diagnostic image display region for displaying a diagnostic image based on an image signal from the ultrasonic detecting portion" in that the workflow system controls the equipment operations including generation of the ultrasonic image. Fig 3 → Sano discloses "displays a setting button and a cursor of a

pointing device for making a selection of a setting condition" in that user can select settings for the diagnostic system on a menu.)

and a control portion that has a function of setting the setting condition based on the selection of the setting condition; (Fig  $3 \rightarrow$  Sano discloses "function of setting the setting condition based on the selection of the setting condition" in that user can select settings for the diagnostic system on a menu.)

wherein the ultrasonic diagnosis system has a function in which a pop-up menu opens by locating the cursor on the setting button, (Figs 12 (A-C)  $\rightarrow$  Sano discloses "function in which a pop-up menu opens by locating the cursor on the setting button" in that the user can use the pop-up menu to select functions by using a cursor.)

and a function in which an alternative in the pop-up menu is selected by locating the cursor on the alternative (Figs 12 (A-C)  $\rightarrow$  Sano discloses "a function in which an alternative in the pop-up menu is selected by locating the cursor on the alternative" in that the user has choices of selection to choose from on the pop-up menu. The examiner interprets "alternative" to mean selections on the pop-up menu.)

Sano does not appear to explicitly disclose the alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu.

Buxton discloses the alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu. (Figs  $2-5 \rightarrow$  Buxton discloses "the alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu" in that the icons are able to be selected and formatted when the cursor moves in a certain direction away from the selection.)

Sano and Buxton are analogous art because they are from the same field of endeavor of selecting icons.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Sano and Buxton before him or her, to incorporate ultrasonic diagnostic equipment with selectable menu options, as disclosed by Sano, with a directional proximity selector, as disclosed by Buxton.

The motivation for doing so would have been to allow users to select an icon without clicking on it.

Therefore, it would have been obvious to combine Buxton with Sano to obtain the invention as specified in the instant claim.

#### Claim 6:

Sano discloses an ultrasonic diagnosis system comprising: an ultrasonic detecting portion that transmits an ultrasonic wave to a subject and receives a reflected wave therefrom; (Abstract → Sano discloses an ultrasonic diagnostic equipment that which projects ultrasonic signals into a patient, and which generates an

ultrasonic image on the basis of reflection echoes within the patient. It is well known in the art that ultrasound machines have mechanisms used for "detecting portion that transmits an ultrasonic wave to a subject and receives a reflected wave therefrom.")

an image display portion that has a diagnostic image display region for displaying a diagnostic image based on an image signal from the ultrasonic detecting portion and displays a setting button and a cursor of a pointing device for making a selection of a setting condition; (Abstract → Sano discloses "an image display portion that has a diagnostic image display region for displaying a diagnostic image based on an image signal from the ultrasonic detecting portion" in that the workflow system controls the equipment operations including generation of the ultrasonic image. Fig 3 → Sano discloses "displays a setting button and a cursor of a pointing device for making a selection of a setting condition" in that user can select settings for the diagnostic system on a menu.)

and a control portion that has a function of setting the setting condition based on the selection of the setting condition; (Fig  $3 \rightarrow$  Sano discloses "function of setting the setting condition based on the selection of the setting condition" in that user can select settings for the diagnostic system on a menu.)

wherein the ultrasonic diagnosis system has a function in which a pop-up menu opens by locating the cursor on the setting button, (Figs 12 (A-C)  $\rightarrow$  Sano discloses "function in which a pop-up menu opens by locating the cursor on the setting button" in that the user can use the pop-up menu to select functions by using a cursor.)

and a function in which an alternative in the pop-up menu is selected by locating the cursor on the alternative (Figs 12 (A-C)  $\rightarrow$  Sano discloses "a function in which an alternative in the pop-up menu is selected by locating the cursor on the alternative" in that the user has choices of selection to choose from on the pop-up menu. The examiner interprets "alternative" to mean selections on the pop-up menu.)

Sano does not appear to explicitly disclose the alternative that is selected last is confirmed by moving the cursor rightward, leftward, horizontally, upward, downward or vertically in the selected alternative in the pop-up menu.

Buxton discloses the alternative that is selected last is confirmed by moving the cursor rightward, leftward, horizontally, upward, downward or vertically in the selected alternative in the pop-up menu. (Figs 2-5 → Buxton discloses "the alternative that is selected last is confirmed by moving the cursor rightward, leftward, horizontally, upward, downward or vertically in the selected alternative in the pop-up

menu" in that the icons are selected and formatted when the cursor moves in different directions.)

Sano and Buxton are analogous art because they are from the same field of endeavor of selecting icons.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Sano and Buxton before him or her, to incorporate ultrasonic diagnostic equipment with selectable menu options, as disclosed by Sano, with a directional proximity selector, as disclosed by Buxton.

The motivation for doing so would have been to allow users to select an icon without clicking on it.

Therefore, it would have been obvious to combine Buxton with Sano to obtain the invention as specified in the instant claim.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano et al (US 2004/0254465; Patent Issue Date: Dec 16, 2004; Patent Filing Date: Nov 22, 2001; hereafter Sano) in view of Buxton et al (US 6,094,197; Patent Issue Date: Jul 25, 2000; Patent Filing Date: Dec May 17, 1995; hereafter Buxton) in further view of Alexander (US 6,049,325; Patent Issue Date: Apr 11, 2000; hereafter Alexander).

# Claim 5:

Sano discloses the limitations of Claim 8.

Sano also discloses selection of items in a pop-up menu. (Figs 12 (A-C)).

Buxton discloses directional proximity selecting mechanisms. (Figs 2-5)

Sano and Buxton do not appear to explicitly disclose the ultrasonic diagnosis system which has a function of setting a time period until the pop-up menu opens by locating the cursor of the pointing device on the setting button drawn on a screen.

Alexander discloses the ultrasonic diagnosis system which has a function of setting a time period until the pop-up menu opens by locating the cursor of the pointing device on the setting button drawn on a screen. (Col 3, lines 9-15 → Alexander discloses "a function of setting a time period until the pop-up menu opens by locating the cursor of the pointing device on the setting button drawn on a screen" in that the dwell time is used for selection of an icon by cursor.)

Sano, Buxton, and Alexander are analogous art because they are from the same field of endeavor of selecting icons.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of San, Buxton, and Alexander before him or her, to incorporate ultrasonic diagnostic equipment with selectable menu options, as disclosed

Application/Control Number: 10/586,955

Art Unit: 2176

by Sano, with a directional proximity selection mechanism, as disclosed by Buxton, and

with a dwell time selector, as disclosed by Alexander.

The motivation for doing so would have been to allow users to select an icon without

clicking on it.

Therefore, it would have been obvious to combine Alexander and Buxton with Sano to

obtain the invention as specified in the instant claim.

Claim 7:

Claim 7 corresponds to Claim 5.

Response to Arguments

Claims (1 and 6) Rejection under 35 USC ~ 103(a):

Applicant's arguments filed 12/24/2008 have been fully considered but they are not

persuasive. For Claims 1 and 6, the applicant argues that the prior art, Sano in view of

Buxton, does not disclose (i) "selection by moving the cursor to a region outside of the

pop-up menu", as recited in Claim 1 and (ii) "selection by moving the cursor rightward,

leftward, horizontally, upward, etc in the selected alternative in the pop-up menu," as

recited in Claim 6.

The examiner disagrees.

Page 10

(i) Buxton discloses "selection by moving the cursor to a region outside of the pop-up menu" in that the user can select a capitalized "A" by selecting the "a" and then moving the selecting tool outside the box or away from the object (see Fig 3 – Stroke command). Fig 4 and Fig 6 discloses selection by cursor movements in different directions away from the object. (ii) Buxton discloses "selection by moving the cursor rightward, leftward, horizontally, upward, etc in the selected alternative in the pop-up menu" in that system shows selections made by moving the cursor in different directions away from the object.

#### Claims (5 and 7) Rejection under 35 USC ~ 103(a):

Claims 5 and 7 are rejected due to their dependency on Claims 1 and 6 respectively.

#### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Application/Control Number: 10/586,955 Page 12

Art Unit: 2176

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOUMYA DASGUPTA whose telephone number is (571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/DOUG HUTTON/ Supervisory Patent Examiner, Art Unit 2176